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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,474	12/17/2001	Luke K. Liang		3629

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EXAMINER
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LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,474

Applicant(s)

LIANG, LUKE K.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper."

Nevertheless, the examiner has consider the reference US 5,248,174, US 4,923,230, US 5,553,903 and US 5,806,900 cited on page 3 line 1-8. The applicant is not required to provide a PTO-1449 since the examiner considers the references in the PTO-892 attached to this Office Action.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the force claimed in claim 9, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:
  - Element 55 is not shown in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because of the use of the words "means" and "said" and because it exceeds the 150 word limit (it has 215 words).  
Correction is required. See MPEP § 608.01(b).
6. The specification is objected to because of the following informalities:

- Page 7 Line 3, change "housing 11" to -housing 12-.

Appropriate correction is required.

### ***Claim Objections***

7. **Claim 9 is objected** to because of the following informalities:

- Claim 9 Line 1, change "the force" to -a force-.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-3 and 5-9 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat no 6,364,375 to Szapucki et al (Szapucki) in view of US Pat No 1,656,818 to Dillon.

Regarding claim 1, Szapucki discloses a vent stop comprising a housing (38) adapted to be disposed in a recess.

The housing includes a cavity (50) with a bottom plate (33). The bottom plate has a top surface forming at least a portion of an inside surface of the cavity and an edge being generally transverse to the top surface of the bottom plate.

The stop also comprises a tumbler (40) disposed in the cavity. The tumbler includes a protruding apex at the top, pivot means (65 and 66) for pivotally securing the tumbler to the housing for movement between an extended position where a front face of the tumbler overlies an edge of the sliding member to prevent movement of the sliding member past the front face of the tumbler, and a retracted position within the cavity where the sliding member can be moved past the tumbler.

The stop further comprises spring means (32) for biasing the tumbler into the extended position.

However, Szapucki fails to disclose that the tumbler has a pivot member that has a bottom plate contact surface that contacts the edge of the bottom plate when the tumbler is in an extended position thereby being prevented from further travel by the edge. Szapucki discloses that the tumble has a pivot member (projection at the right of 65, Figure 7). However, this pivot member fails to contact the edge of the bottom plate, it contacts the bottom plate body so as to prevent further travel of the tumbler.

Dillon teaches that it is well known in the art to provide a pivotally stop member (40) having a pivot member (surface between 41 and 45a) that contact an edge of a plate surface (37) so as to prevent further travel of the stop member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pivot member described by Szapucki in contact

with the edge of the plate, as taught by Dillon, since the fact that the pivot member contacting the edge or the body of the bottom plate is a design consideration within the art since it would not affect the movement of the tumble. With either surface, it would stop further traveling of the member.

As to claim 2, Szapucki illustrates that the housing (38) has a faceplate and first and second housing members extending from the faceplate and wherein the bottom plate extends from at least one of the housing members (Figures 3-5).

As to claim 3, Szapucki illustrates that the first and second housing members are generally perpendicular to the faceplate and at least a portion of the bottom member is generally parallel to the faceplate (Figures 3-5).

As to claims 5-8, the fact that the sliding member is a double hung window, a window, a sash in a sliding window, or a door, it is considered as the intended use of the vent stop. The recitation with respect to the manner in which an apparatus is intended to be employed does not impose any structural limitation upon the claimed apparatus, which differentiates it from a prior art reference disclosing the structural limitations of the claim.

As to claim 9, Szapucki, as modified by Dillon teaches that a force of the tumbler on the bottom plate is capable of being parallel to the top surface of the bottom plate when the tumbler is in an extended position.

***Allowable Subject Matter***

**10. Claims 10-18 are allowed.**

11. **Claim 4 is objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

At the instant, Szapucki fails to disclose that the tumbler has a pivot member that contacts the pivot means when the tumbler is in an extended position.

Szapucki illustrates that the tumbler has a first and a second pivot members (surface at the right of 65 on Figure 7 and 46), however, these pivot members never contact the pivot means (66) when the tumbler is in an extended position so as to prevent further traveling of the tumbler.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.



Carlos Lugo  
Patent Examiner AU 3676  
July 5, 2006.